Supreme Court, U.S.
FILED

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NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES
October Term 2002

LEOPOLDO LEAL

AS THE EXECUTOR OF THE ESTATE
OF HIS MOTHER,the late
MRS. MAURICIA B, LEAL

Petitioner

versus

SUN EXPLORATION AND PRODUCTION
COMPANY, ORYX ENERGY COMPANY,
AND AFFILIATES

Respondents

APPEAL TO THE SUPREME COURT
OF THE UNITED STATES
Judgement from the UNITED STATES COURT OF APPEALS
FOR THE FIFTH JUDICIAL CIRCUIT

LEOPOLDO LEAL Petitioner
6842 CR 48
Robstown, Texas 78380

31pp

QUESTIONS PRESENTED

1.Is it constitutional for an Oil conglumarate to import a terrorist from another country, and have said terrorist go to a state court, and invade a birthright inheritance of an American citizen who is protected by the United States Constitution and the Gadsden and the Treaty of Guadalupe Hidalgo, as to the civil and human rights of a citizen, and the right to own property; and at state court, have the Oil conglumarate, *the respondant,* sue for partition of the lands in question, and in secrecy, award title to said lands to the mentioned terrorist, by the partition action in state court, thus robbing the citizen of her birthright inheritance?

2. Does a state court have the authority and jurisdiction to void the only prima facie title to said lands, the Texas Land Patents, rightfully reserved for the ownership of the American citizen and her heirs?

3. Can the rights and protection contained within the Treaties involved, which have been ratified by Congress, be struck down by the courts of the lands, whether such courts be state or federal?

4. Is it constitutional for the courts to deny due process and the equal protection of the laws to the American citizen, while protecting the unlawful conduct of the respondent and the imported terrorist with a violent criminal record, which included murder?

5. Can the respondent prevail in this cause, inspite of the fact that it defaulted in answering the complaint for damages in the 20day period, as specified in the Federal Rules of Civil Procedure, and in answering the appeal within the 30day period, as specified in the Federal Rules of Appellate Procedure,and never produced discovery or disclosure of documents?

6. Is it within the guidelines of ethical conduct for the federal district court to cancel a scheduled jury trial after it has acquired knowledge that the defendant cannot prevail at trial, based on the preponderance of the evidence against the defendant?
7. Is it ethical for the Fifth Circuit Court to follow the whim of the lower court, and not as much as schedule a hearing to allow the plaintiff his day in court?

LIST OF PARTIES

The parties of this appeal are as follows:
The petitioner is Leopoldo Leal, whose name and address appears on the front of this Appeal.

The respondents are as follows: The respondents are Sun Exploration and Production Company, Oryx Energy Company, and Affiliates. The respondents are represented by the Haynes and Boone, L.L.P.
lead counsel, Attorney Michael Mazzone, 1000 Louisiana Street, Suite 4300, Houston, Texas 77002-5012

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No._____

In The
SUPREME COURT OF THE UNITED STATES

LEOPOLDO LEAL
As the Executor of the Estate of his Mother,
The late, Mrs. Mauricia B. Leal

Petitioner

v.

SUN EXPLORATION AND PRODUCTION
COMPANY, ORYX ENERGY COMPANY
AND AFFILIATES

Respondents

APPEAL TO THE UNITED STATES
SUPREME COURT *From the* FIFTH
JUDICIAL DISTRICT

To the Honorable, the Chief Justice and Associate Justices of the Supreme Court of the United States.

The petitioner respectfully comes before the Superior Court, as described in the United States Constitution, petitioning this Honorable Court to review, and strike down the judgements of the two lower courts, whose conduct is not within the Constitutional guidelines of conduct, as it pertains to protecting and defending the Constitution of the United States, its treaties, and its citizens.

While it is a fact that the law enforcement authorities should be enforcing the statutes that protects the petitioner from the unlawful conduct of the respondents, based on their traitorous acts against the American citizen and his country, the element of bigotry and racial bias has played a role in the judgements of the lower courts and the said judgements reflect a spirit of defiance to the United States Constitution , in regards to the rights of the American citizen.

The petitioner submits that this cause is reviewable by this Honorable Court pursuant to the Constitutional provisions under Article 111, Section 1, and Section 2 of Article 111, and

Amendment 14, which protects the basic rights of the petitioner, those of "due process" and "equal protection of the laws". The statutes that protect the rights of the petitioner are mandatory, and while the lower court has no regard for the Constitutional rights of the petitioner, said court has no authority or jurisdiction to cancel and/or void the protection of the United States Constitution and its guarantees to the petitioner.

The petitioner requests this Honorable Court to strike down the dismissal orders from the lower courts, and to declare unconstitutional the focus of this present cause, the partitioning of the lands in dispute, wherein a foreign terrorist imported by the respondent, was awarded title to lands that were the birthright inheritance of the petitioner, and in the process of its unlawful conduct, the respondent violated and desecrated the birthright inheritance of the petitioner that was protected by the Treaty of Guadalupe Hidalgo, and the Gadsden Treaty, which guaranteed the citizen the rights of a property owner. There is no room for foreigners to cross over to the United States to claim lands based on the laws of inheritance. The whole action of partition by the respondent is unlawful and unconstitutional and unamerican.

OPINIONS BELOW

The judgement of the court of appeals, Fifth Circuit, is to affirm the untimely dismissal by the district court. Said affirmation was filed on the 25th of April, 2002.

The opinion of the two courts is that the petitioner is unintelligable, and therefore the case is dismissed.

When the district court became aware that the respondent would not prevail at the scheduled jury trial, based on the preponderance of the evidence shown by the petitioner at a pre-trial hearing against the respondent, the said court compromised its integrity and dismissed the case after the respondent, defaulted by refusing to answer the complaint for damages and to provide discovery. Such conduct by the court shows that the court was reached by the respondent.

JURISDICTION

The jurisdiction of this Honorable Court is

invoked under Article 111, Section 1.----The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme Court and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office. Section 2.---- The judicial power shall extend to all cases, in law and equity, arising under the Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, or other public ministers and consuls;-to all cases of admiralty and maritime jurisdiction;- to controversies between two or more states; (between a state and citizens of another state;) between citizens of different states;-between citizens of the same state claiming lands under grants of different states, and between a state , or citizen thereof, and foreign states, (citizens or subjects).

Further jurisdiction is invoked under Amendment 14, Section 1 and 5, which address the civil rights of the petitioner; -------those of due process and equal protection of the laws.

STATUTES INVOLVED

This case involves the scope and meaning of the United States Judiciary and Judicial Code, Title 28.

The proceedings arise under the Constitution, laws and treaties of the United States, Ramada Inns, Inc. v. Rosemount Memorial Park ass'n, C.A.N.J. 1979, 598 F. 2d 1303.

The Treaty of Guadalupe Hidalgo, and the Gadsden Treaty prohibitted Mexicans to come after the said treaties were ratified by Congress, into the United States of America, to claim lands, based on the laws of inheritance.

To import a terrorist to injure the American citizen, and to attempt sedition in the process to attempt to overthrow the American government is treason. At the time frame of the controversial partition action in state court, the petroleum entity was owned by the Pew family from the State of Pennsylvania. Said family was of German descent who sympathized with the Axis Alliance. In an attempt to entice the Republic of Mexico to join said alliance, the lands in this dispute were handed over to a Mexican citizen, to show that all of the Southwest would be returned to Mexico, if it would side with

Germany, and thus the enormous fraud was brought about.

EFFECT FRAUD IS VOIDABLE AND JUDICIALLY CANCELLED.

An operator who enters upon land of another without authority and in bad faith----------is liable to the true owner for the value at the surface, the oil and gas produced, that is, without credit for drilling and expenses.

A land patent is the highest evidence of title, Wright v. Roseberry, 121 US 488, 30 L Ed 1039, 7 S Ct 985; Irvin v. Irvin, 76 US 617, 19 L Ed 800; State v.Valmont Plantations (Tex Civ App 4th Dist) 346 SW2d 853, affd 163 Tex 381, 355 SW2d 502, and gives him legal seisen, Peyton v. Stith, 30 US 485, 8 L Ed 200; It is variously characterized as "unassailable," Sanford v. Sanford,139 US 642, 35 L Ed 290, 11 S Ct 666., as conclusive evidence of legal title, Gibson v. Chouteau, 80 US 92, 20 L Ed 534;, and at least ***"prima facie valid in actions at law"***, Johnson v. Drew, 34 Fla 130, 15 So 780, affd 171 US 93, 43 L Ed 88,18 S Ct 800. It is a prima facie valid, and the burden of proving its invalidity is on the one attacking it, State v. Crawford,13 Ariz app 225, 475 P2d 515.

There is a settled presumption that a patent is valid and passes the legal title,United States v. Marshall Silver Mining, 129 US 579, 32 L Ed 734,

9 S Ct 343. As a deed, its operation is that of a quitclaim, or rather of a conveyance of such interest as the United States possessed in the land, Wilson Cypress Co. v. Del Pozo y Marcos, 236, 59mL Ed 758, 35bS Ct 446.

The description in a patent is exclusive evidence of the land conveyed, Ames v. Irvine Co. (4th Dist) 246 Cal App 2d 832, 55 Cal Rptr 180, cert den 388 US 910, 18 L Ed 2d 1348, 87 S Ct 2115.

The holder of a legal title in bad faith must always yield to a superior equity resting in one who acquired a prior right from the United States in force when his purchase was made under which his patent was issued, Widdicombe v. Childers, 124 US 400, 31 L Ed 427, 8 S Ct 517.

Thus where one obtains a patent for land from the United States through fraud or concealment, A COURT OF EQUITY will regard him as a trustee for those who are equitably entitled to the land, Daniels v. Johnson, 237 US 568, 59 L Ed 1110, 35 S Ct 748, and will compel him to convey the legal title to the true owner, Monroe Cattle Co. v. Becker, 147 US 47, 37 L Ed 72, 13 S Ct 217.

The United States has the same remedy in a court of equity to set aside or annul a patent

for land, on the ground of fraud in procuring its issue, as an individual would have in regard to his own deed procured under similar circumstances, United States v. Miner, 114 US 233, 29 L Ed 110 5 S Ct 836.

An instrument, even though recorded may be improperly executed or acknowledged and therefore inadmissable in evidence, notwithstanding the fact that it may have constituted an effective conveyance as between parties. A marketable title requires that such instrument in the chain of title be so executed andacknowledged as to be introduced in evidence.

STATEMENT OF THE CASE

The United States Court of Appeals(Fifth Circuit) and the lower district court, have denied the petitioner his constitutional rights, as guaranteed by the United States Constitution and the treaties that protect the rights of the American citizen.

The issue is fraud and conspiracy by the respondent, who has violated all the Federal Rules of Civil Procedure in refusing to answer the original complaint for damages, and in refusing to adhere to the Federal Rules of Appellate Procedure, by not addressing the appeal in the Fifth Circuit Court within the 30day period, and in totally ignoring the focal point of this cause, namely their

unlawful conduct in the procuring of the lands through unconstitutional means, and thus depriving the petitioner of his birthright inheritance, as guaranteed by the United States Constitution and its treaties herein mentioned in this appeal before this Honorable Court.

On September 13, 1988, Mrs. Mauricia B. Leal, having given full General Power of Attorney to her son, the petitioner, [said instrument is filed in the Nueces County Courthouse, in Corpus Christi, Texas].

The petitioner, speaking in her behalf, and in her stead, showed to the State of Texas, and the Office of the Texas Attorney General,, through the state agency that has the jurisdiction to resolve controversies such as this, the Texas Railroad Commission, absolute proof, based, as the law requires, on legal instruments, from the courts and from the church, ----Her lawful claims to ownership of all the Longoria porciones, located in Starr County, Texas.

The late Mrs. Mauricia B. Leal, now deceased, as she answered the Call of her Maker on October 27th, 1989, charged that the respondent was a *bad faith trespasser*, and had no lawful rights to her lands, as the Oil entity had utilized unlawful and unconstitutional means to obtain entry and exploit her birthright inheritance. She further claimed that all the oil, gas, and other minerals, were hers, including all real property,

and laid claim to the only prima facie titles to the disputed lands, the Texas Land Patent, and the Spanish Land Grants.

The Texas Railroad Commission ordered the respondent to respond and explain what rights it had to be operating in the disputed lands at issue.

A copy of the response was sent to the petitioner wherein the respondent stated that the partition that it financed, resulted in the title being awarded to a foreign alien , thus displacing all American citizens from their birthright inheritance.

The grantee of the partition title was an individual originally from Monterrey, Mexico, with a notorious criminal background, which included the murder of an unarmed crippled man fron Rio Grande City, Texas, and the murder of the Mexican Chief of Police from the State of Nuevo Leon, Mexico. The murdered General was General Heron Ramirez, a Mexican national hero.

The grantee, named Esteban Garcia had trouble with the law on both sides of the border, yet the respondent saw fit to use him to rob the Americans of their birthright.

Terrorism was the tool employed by the respondent to rid the heirs to the land patent from their birthright inheritance.

The petitioner owns a copy of the death certificate of this one Esteban Garcia. It shows that Mr. Garcia died in 1988, and is buried in Camargo, Tamaulipas, Mexico. Mr. Garcia was born in Mexico and died a Mexican citizen, and is buried in Mexico.

His descendants, have gone to court and have claimed that they own the Padre Island National Seashore, and soon, they will claim all of South Texas, eventhough they entered the United States as illegal aliens, and because of the unlawful conduct of the respondent. As for Mr. Garcia, he had free reign to heap terror and havoc on the unfortunate, because the Attorneys for the respondent defended his criminal conduct, if he went to court.

REASONS FOR OVERTURNING THE JUDGEMENT OF THE LOWER COURT

It is unconstitutional to allow the respondent to operate unlawfully on lands that have been stolen from the American citizen

The respondent did not adhere to the Federal Rules Of Civil Procedure at the district court, and construed a fabrication that the petitioner had granted waiver of summons, which was an act for which severe sanctions should have been levied on the counsel, and then, refused to answer the original

complaint for damages. The respondent refused to produce discovery, and did not allow for interrogatories, and the respondent carried an ex-parte line of communication with the court. The here mentioned is unethical conduct by the respondent and the district court, which bent backwards to assist the respondent, while threatening the petitioner with sanctions. The conduct of both the court and the respondent became a cover-up conspiracy that resulted in the denying the petitioner due process, and equal protection of the laws.

At the appeal court, it was a repetition, as the respondent did not file an answer to the appeal within the 30day period, and again the constitutional rights of the petitioner were trampled upon by a biased court who would not even schedule a hearing to examine the cause, but instead followed the whim and pleasure of the district court.

Had it been a fact that the petitioner is an embecile, the question arises, as to why did the court schedule a jury trial? The answer is that the courts have conspired to deny the petitioner his constitutional rights, by claiming that the case was disposed of properly. The facts stand, that the respondent has committed a horrible crime, and the lower courts have let them get away with it. This is not in the Spirit of the United States Constitution.

CONCLUSION

Petitioner seeks Injunctive and Declarative relief, his costs of Courts, prejudgement interest, and post judgement interest. The Petitioner seeks mandamus relief as specified:

Petitioner petitions the Superior Court of the land; that this case be docketted, and that a hearing be held, and that, following said hearing, Petitioner be awarded the following damages:
1. Under 42 U.S.C. 1981, 1982, 1983, and 1988: (a) Actual damages in lost profits in the amount of $50,000,000,000.00.
(The respondent has profitted from the lands in dispute in the hundreds of billions of dollars.)
(b) Pre judgement interest;
(c) costs of Court;
(d) injunctive relief
(e) a writ of mandamus styled in writ is included replevin of the lands at issue to the Estate of the late Mrs. Mauricia B. Leal, and the MAURICIA B. LEAL MEMORIAL FOUNDATION, to be set up as a charitable

non-profit corporation for the benefit of humanity.

The petitioner comes before this Honorable Court, and files his appeal, and petitions the Court to assume the role of a Court of Equity, and to strike down the unlawful partition of the lands at issue, and to grant writ for replevin of said lands, and to remedy the injury inflicted by the respondent, and award damages as specified in the original complaint for damages, filed in district court. The petitioner further petitions the Court to impose sanctions on counsel for the respondent for its unlawful conduct in the court proceedings throughout the course of this court action.

Respectfully Submitted,

Leopoldo Leal

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